IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 20676 of 2003(J)

PETITIONER:

THE THUDAGANAD SERVICE CO-OPERATIVE BANK LTD. NO.2410, THUDANGANAD, THODUPUZHA, REPRESENTED BY THE PRESIDENT.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, IDUKKI.

2. KUTTY AMMA MICHAEL, POOVATHINKAL, THUDAGANAD P.O., MUTTAM, THODUPUZHA.

BY ADV. SMT.P.A.ANITHA
SPL.GOVT.PLEADER,SRI.B.S.SWATHIKUMAR SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

W.P.(C) No.20676 of 2003

Dated 21st February, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P4 order passed by the Joint Registrar of Cooperative Societies. The issue pertains to the disqualification of members. Learned Government Pleader, among other contentions submits that since disputed facts are also involved in this case, the petitioner can be relegated to pursue his statutory remedy under Section 83(2) of the Kerala Cooperative Societies Act, 1969. In the facts and circumstances of the case, I am of the view that the petitioner has to pursue that statutory remedy. Accordingly, the writ petition is disposed of as follows :-

In the event of the petitioner pursuing the statutory remedy of appeal within two months from today, the appellate authority shall consider the same with notice to the petitioner and the second respondent and pass appropriate orders thereon expeditiously. The implementation of Ext.P4 will be deferred till orders are passed as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No.20676 of 2003 (J)

J U D G M E N T

Dated 21st February, 2007.